

**Jeffrey M. Edelson, OSB # 880407**  
JeffEdelson@MarkowitzHerbold.com  
Nathan D. Burcham, OSB #182509  
NathanBurcham@MarkowitzHerbold.com  
MARKOWITZ HERBOLD PC  
1455 SW Broadway, Suite 1900  
Portland, OR 97201  
Tel: (503) 295-3085  
Fax: (503) 323-9105

**Kelly K. Simon, OSB # 154213**  
ksimon@aclu-or.org  
AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION OF OREGON  
PO Box 40585  
Portland, OR 97240  
Tel: (503) 227-6928

**Nicholas S. Cady, OSB # 113463**  
nick@cascwild.org  
CASCADIA WILDLANDS  
PO Box 10455  
Eugene, OR 97440  
Tel: (541) 434-1463  
Fax: (541) 434-6494

**Elisabeth Holmes, OSB # 120254**  
eli@willametteriverkeeper.org  
WILLAMETTE RIVERKEEPER  
PO Box 293  
Eugene, OR 97440  
Tel: (541) 870-7722

Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

NORTHWEST CENTER FOR  
ALTERNATIVES TO PESTICIDES,  
WILLAMETTE RIVERKEEPER,  
CASCADIA WILDLANDS, NEIGHBORS  
FOR CLEAN AIR, AND 350PDX,

Plaintiffs,

vs.

U.S. DEPARTMENT OF HOMELAND  
SECURITY; CHAD WOLF, in his capacity  
as Acting Secretary, U.S. Department of  
Homeland Security,

Defendants.

No. 3:20-cv-01816

**STANDING DECLARATION OF  
GORDON ESSEX NOBLE JR.,  
WILLAMETTE RIVERKEEPER  
MEMBER**

I, GORDON ESSEX NOBLE JR., declare as follows:

1. My name is Gordon Essex Noble Jr.. I am over 18 years of age and reside near the Willamette River in Northeast Portland, Oregon. I make this declaration based on my own personal knowledge, and if called as a witness, I could and would competently testify to the facts herein under oath. As to matters which may reflect a matter of opinion, they reflect my personal opinion and judgment based on my personal experience.

2. I make this declaration in support of Willamette Riverkeeper's participation in the NEPA lawsuit filed with this Court.

3. I have been paddling for 20 plus years. I moved to Portland, Oregon in December 1990. When I moved here and saw the Willamette River running right through town and only minutes from my doorstep, I knew I had to be out on the river as much as I could. I have one hard shell kayak and one inflatable kayak.

4. I was a wholesale manufacturer's footwear representative for 30 years and retired in 2018.

5. From spring until fall, on average once a week I pull my kayak down to the Willamette River with a trailer attached to my Ebike. I usually launch from the Hawthorne Rowing Dock, and depending on the weather and wind conditions, I go right for an "urban paddle" to the Fremont Bridge, or left for a "nature paddle" to Ross Island. Sometimes I go around all of Ross Island. I am usually out on the Willamette River for 1-2 hours each time.

6. Willamette Riverkeeper's mission to protect and restore the Willamette River is important to me. I am very concerned with the water quality of the Willamette River. I know that the river has come a long way from prior years of pollution and poor water quality, and enormous private and public resources have been invested in cleaning up the river, but it still has a ways to go. It is hard to believe how much has changed since I've known the river. It is amazing now that the river in the Portland urban area has wildlife, nesting birds, and people swim in the river. To me, with all of the effort put in to restore the river, it is even more important now to keep the river clean and sustainable for wildlife.

7. When I paddle, I see wildlife, many species of birds including Canadian Geese, Herons, and I look for bald eagles. I absolutely love seeing fish jump out of the Willamette River during my paddles because this was not the case years ago. Now I see fish jumping almost every time I am out. Sometimes I see salmon and steelhead, which are protected fish species, making the experience all the more special.

8. I have supported Willamette Riverkeeper since about 2018. Frequently when I bike down to the river, I have stopped by the Willamette Riverkeeper office and say hello to the staff there. I have joined Willamette Riverkeeper for over half a dozen “Trashy Tuesdays” cleaning up the Willamette River in the Portland area. In 2018 and 2019, I joined Willamette Riverkeeper’s “Paddle Oregon” trips. Paddle Oregon is an annual 80-90 mile 5 day camping trip along the Willamette River National Water Trail and enables us paddlers to connect with the river, its ecosystem, and its health, and with each other. This year, I joined Willamette Riverkeeper in the last day of their “187 Miles of Wonder” Paddle from Eugene to Portland, paddling from Milwaukie to the Hawthorne dock where they continued their journey to Kelley Point Park where the Willamette meets the Columbia.

9. My extensive paddling experience around the Portland area means that I am very familiar with the river, the riverbanks and shoreline, and the pipes that lead into the river.

10. On October 9, 2020, I paddled next to the Hawthorne Bridge outfall. I believe this outfall transports stormwater from near the Federal Courthouse to the Willamette River. We had not had any rain since about September 25-26<sup>th</sup>, yet water was clearly running from the storm drain directly into the river. See Attachment 1 (Photograph 1459, a true and accurate representation of what I saw on Oct. 9, 2020 when paddling and the photograph was taken by me).

11. I have been following the protests in Portland, and federal agencies’ use of tear gas and munitions and chemicals against protesters. I have also been following public queries about whether these chemicals are getting into the City’s stormwater system, and into the Willamette River. The Willamette River is a near-constant part of my daily life in Portland, and water quality and the functions of its systems and wildlife are vitally important to me. The

introduction of toxic chemicals from the protests, which may be aquatic toxicants, is very worrisome to me because I do not want the fish and wildlife that I enjoy to be hurt or killed by these chemicals, or people enjoying the river exposed to aquatic toxicants.

12. I know that Willamette Riverkeeper has been trying to get information on chemicals that the federal agents are using because the chemicals and munitions may be getting into the river, and have human health and environmental effects. Willamette Riverkeeper has sent letters to city, state, and county governments, but has not gotten complete answers to its questions. Without this information, my interests as a member of Willamette Riverkeeper, a frequent paddler on the river, and someone who enjoys the wildlife of the river, are harmed.

13. I will continue to paddle the Portland areas of the Willamette River, participate in other paddling events on the river, and to care for the health of the river and the wildlife that depend on it.

14. Willamette Riverkeeper has worked on protecting and cleaning up the river from toxic chemicals, and restoring the river habitat throughout the river. I appreciate the organization's interest in water quality issues, and raising awareness for species affected by toxic pollutants, like freshwater mussels, salmonids, and the bioaccumulation risks for birds and other species that feed from the river. Without the efforts of Willamette Riverkeeper bringing this lawsuit, regular citizen requests for information and desires for actions to keep the river clean – like mine - are going unheeded. Willamette Riverkeeper gives me a voice on issues that I care deeply about. I support Willamette Riverkeeper's efforts in this NEPA lawsuit.

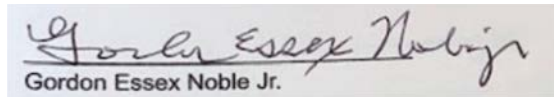
15. Should Willamette Riverkeeper be unable to bring suit to enforce the agency's compliance with NEPA, Willamette Riverkeeper will be unable to effectively address water pollution, harm to aquatic life, and potential impacts to the public, including me, who use the river for recreation. Without information and analysis by the agency, significant risks to human health and the environment remain unknown to the public.

16. If the agency had followed NEPA, my interests would be protected. If the agency were to conduct a NEPA analysis, it would identify information allowing me to educate myself about the use of chemicals during the Portland protests and the impacts of these chemicals on

human health, water quality, aquatic species, and the river ecosystem. The agency's NEPA analysis would also result in a federal action that would not cause as much harm to threatened species and the Willamette River because, as required by NEPA, harm identified through the NEPA process would have to be mitigated.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed this 16th day of October, 2020 in Portland, Oregon.



Gordon Essex Noble Jr.



